

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
BEFORE THE HONORABLE VINCE CHHABRIA

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|----------------------------------|---|---------------------------|
| OKLAHOMA POLICE PENSION AND |) | |
| RETIREMENT SYSTEM, INDIVIDUALLY |) | |
| AND ON BEHALF OF ALL OTHERS |) | |
| SIMILARLY SITUATED, |) | |
| |) | |
| PLAINTIFF, |) | |
| |) | |
| VS. |) | NO. 18-CCV-5181 VC |
| |) | |
| NEVRO CORP., RAMI ELGHANDOUR AND |) | |
| ANDREW GALLIGAN, |) | |
| |) | SAN FRANCISCO, CALIFORNIA |
| DEFENDANT. |) | THURSDAY |
| |) | DECEMBER 20, 2018 |
| |) | |

TRANSCRIPT OF PROCEEDINGS OF THE OFFICIAL ELECTRONIC SOUND

RECORDING 10:06 A.M. - 10:22 A.M.

APPEARANCES:

FOR PLAINTIFF

SAXENA WHITE P.A.
150 EAST PALMETTO PARK ROAD
SUITE 600
BOCA RATON, FLORIDA 33432
BY: KENNETH M. REHNS, ESQUIRE

FOR DEFENDANTS

LATHAM & WATKINS LLP
140 SCOTT DRIVE
MENLO PARK, CA 94025
BY: MATTHEW RAWLINSON, ESQUIRE

LATHAM & WATKINS LLP
12670 HIGH BLUFF DRIVE
SAN DIEGO, CALIFORNIA 92130
BY: GRANT STROTHER, ESQUIRE

**TRANSCRIBED BY: JOAN MARIE COLUMBINI, CSR #5435, RPR
RETIRED OFFICIAL COURT REPORTER, USDC**

THURSDAY, DECEMBER 20, 2018

10:06 A.M.

(TRANSCRIBER'S NOTE: DUE AT TIMES TO COUNSELS' FAILURE TO IDENTIFY THEMSELVES WHEN SPEAKING, CERTAIN SPEAKER ATTRIBUTIONS ARE BASED ON EDUCATED GUESS.)

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PROCEEDINGS

THE CLERK: CV-5181, OKLAHOMA POLICE PENSION AND RETIREMENT SYSTEM VERSUS NEVRO CORPORATION, ET AL.

COUNSEL, PLEASE STATE YOUR APPEARANCES FOR THE RECORD.

MR. REHNS: GOOD MORNING, YOUR HONOR. KENNETH REHNS, SAXENA WHITE, P.A. FOR THE PLAINTIFF, OKLAHOMA POLICE.

THE COURT: GOOD MORNING.

MR. RAWLINSON: MATT RAWLINSON OF LATHAM & WATKINS FOR THE DEFENDANTS, AND WITH ME IS MY COLLEAGUE GRANT STROTHER.

THE COURT: GOOD MORNING. OKAY. LET ME PULL THIS ONE UP.

I HAVE -- I'M -- I WENT THROUGH THE COMPLAINT, AND I CAN'T -- I CAN'T TELL YOU THAT I READ IT CAREFULLY. I KIND OF FLIPPED -- IT'S MORE LIKE I FLIPPED THROUGH IT. BUT I HAVE TO TELL YOU THAT I -- AFTER FLIPPING THROUGH IT, I FOUND MYSELF REALLY SCRATCHING MY HEAD. AND I REALIZE THIS IS JUST A MOTION TO APPOINT LEAD PLAINTIFF AND LEAD COUNSEL, AND WE'LL -- AND, YOU KNOW, WE WILL, YOU KNOW, HAVE A CHANCE TO DISCUSS THIS MORE IN RESPONSE TO THE MOTION TO DISMISS.

1 BUT I JUST -- SO MY FIRST QUESTION FOR YOU IS:
2 THERE'S A LOT OF TALK ABOUT THE PATENT DISPUTE BETWEEN NEVRO
3 AND BOSTON SCIENTIFIC THAT WAS ADJUDICATED IN THIS COURT
4 EARLIER THIS YEAR, BUT I HAD A VERY HARD TIME UNDERSTANDING HOW
5 THAT DISPUTE AND HOW THAT RULING RELATES TO YOUR SECURITIES
6 FRAUD CLAIM. SO CAN YOU EXPLAIN THAT TO ME?

7 **MR. REHNS:** ABSOLUTELY, YOUR HONOR. WE ALLEGE THAT
8 DEFENDANTS MISLED THE CLASS AS TO THEIR COMPETITIVE ADVANTAGE,
9 THEIR MARKET SHARE, AND THE PROPRIETARY NATURE OF THEIR
10 PRODUCT, WHICH, IN PART, WAS DISCLOSED --

11 **THE COURT:** SO WHAT DID THEY SAY ABOUT IT THAT WAS
12 NOT TRUE?

13 **MR. REHNS:** I THINK MOST RELEVANT TO BE THAT THEIR
14 MARKET SHARE AND THAT THEIR -- THEIR REVENUE WAS DRIVEN BY THIS
15 PROPRIETARY PRODUCT AND WOULD CONTINUE TO BE AS A SUPERIOR
16 PRODUCT IN THE MARKET.

17 **THE COURT:** MARKET SHARE WHERE?

18 **MR. REHNS:** IN THE U.S. AND INTERNATIONALLY.

19 **THE COURT:** OKAY.

20 **MR. REHNS:** AND --

21 **THE COURT:** AND WHAT ABOUT THAT WAS INCORRECT?

22 **MR. REHNS:** WE ALLEGE IN THE COMPLAINT THAT IT WAS --
23 THAT THAT WAS INCORRECT, BECAUSE, IN REALITY, DEFENDANTS KNEW
24 THAT THEIR PURPORTEDLY PROPRIETARY TECHNOLOGY WAS, IN FACT, PUT
25 TOGETHER WITH DOCUMENTS AND TRADE SECRETS FROM ITS COMPETITORS.

1 **THE COURT:** BUT WHAT DOES THAT HAVE TO DO WITH THE
2 CASE THAT WAS ADJUDICATED IN THIS COURT? BECAUSE THERE'S A LOT
3 OF STUFF IN THE COMPLAINT ABOUT THE CASE THAT WAS
4 ADJUDICATED --

5 **MR. REHNS:** RIGHT.

6 **THE COURT:** -- AND THE RULING WHICH ISSUED.

7 **MR. REHNS:** WHICH INCLUDES -- RIGHT, WHICH INCLUDES
8 PATENTS THAT NEVRO AND BOSTON SCIENTIFIC HAVE BEEN -- HAVE
9 CROSS MOVED OR COUNTERSUED ONE ANOTHER FOR PATENT INFRINGEMENT.

10 **THE COURT:** OKAY. LET ME ASK YOU TO EXPLAIN WITH
11 SOME SPECIFICITY.

12 WHAT DID THEY SAY PREVIOUSLY ABOUT THEIR PRODUCT THAT
13 WAS CONTRADICTED BY THE RULING IN THE PATENT CASE EARLIER THIS
14 YEAR?

15 **MR. REHNS:** IT'S -- YOUR HONOR, IT'S ACTUALLY NOT THE
16 RULING ITSELF, PERHAPS, THAT I POINT YOU TO --

17 **THE COURT:** BUT I DON'T UNDERSTAND --

18 **MR. REHNS:** -- FOR PURPOSES OF NOW.

19 **THE COURT:** -- BECAUSE IN YOUR COMPLAINT THERE ARE A
20 LOT ALLEGATIONS ABOUT THE RULING.

21 **MR. REHNS:** ABSOLUTELY.

22 **THE COURT:** AND HOW THE STOCK DROPPED IN THE WAKE OF
23 THE RULING, OR THE TENTATIVE RULING, RIGHT? SO IT SEEMS
24 LIKE -- ALTHOUGH IT'S HARD TO FOLLOW YOUR COMPLAINT, IT SEEMS
25 LIKE YOU ARE BASING YOUR SECURITIES FRAUD CLAIM, IN SIGNIFICANT

1 PART, ON SOMETHING THAT THE DEFENDANTS SAID PUBLICLY TO
2 INVESTORS THAT WAS CONTRADICTED BY MY RULING, YET I CAN'T
3 FIGURE OUT WHAT THAT IS FROM YOUR COMPLAINT, FROM READING YOUR
4 COMPLAINT, SO I'M TRYING TO ASK YOU NOW, WHAT IS IT.

5 **MR. REHNS:** ABSOLUTELY. IT WAS -- AND IT IS BASED ON
6 THE MOTION THAT THIS -- THAT THEIR WORK WAS PROPRIETARY AND
7 NOVEL, AND YOUR SUMMARY --

8 (SIMULTANEOUS COLLOQUY.)

9 **THE COURT:** DO YOU EVEN KNOW -- DO YOU EVEN KNOW WHAT
10 MY RULING WAS ABOUT?

11 **MR. REHNS:** YOUR RULING WAS ABOUT CERTAIN PATENTS.

12 **THE COURT:** WHY DON'T YOU DESCRIBE -- YEAH, DESCRIBE
13 MY RULING.

14 **MR. REHNS:** YES, YOUR HONOR.

15 **THE COURT:** WHICH IS THE BASE FOR YOUR SECURITIES
16 FRAUD CLAIM.

17 **MR. REHNS:** IS ONE OF THE BASES, CORRECT.

18 **THE COURT:** SO I PRESUME YOU HAVE A PRETTY GOOD
19 FAMILIARITY WITH WHAT MY RULING ACTUALLY WAS.

20 **MR. REHNS:** ABSOLUTELY. YOUR RULING HAD TO DO WITH
21 SEVERAL PATENTS THAT WERE DISPUTED BETWEEN BOSTON SCIENTIFIC
22 AND NEVRO IN WHICH YOU HELD THAT BOSTON SCIENTIFIC HAD NOT
23 INFRINGED ON NEVRO'S PATENTS. I CAN GO INTO MORE
24 SPECIFICITY --

25 **THE COURT:** YES, PLEASE.

1 **MR. REHNS:** -- ABOUT THE INDIVIDUAL PATENT.

2 **THE COURT:** SURE.

3 **MR. REHNS:** SURE. IF YOU JUST GIVE ME ONE MOMENT, I
4 WILL PULL UP THE -- SO A LOT OF IT HAD TO DO WITH THE
5 DEFINITION OF PERESIAN (PHONETIC), AND HOW THE PATENT WAS
6 DEFINED, AND HOW THE PATENT WAS SUBMITTED. AND YOUR HONOR
7 RULED THAT THE TERMS WERE VAGUE ENOUGH THAT THEY WERE NOT, IN
8 FACT, PATENTABLE, SO TO SPEAK, AND, IN THAT CASE, DISMISSED
9 SIX, I BELIEVE, OF THE EIGHT CLAIMS THAT NEVRO BROUGHT AGAINST
10 BOSTON SCIENTIFIC.

11 WE ALLEGE -- AND THIS IS WHERE FIVE DAYS LATER WHEN
12 THE ANALYSTS' REPORT -- OR ANALYSTS FIRST REPORTED THIS TO THE
13 MARKET, WE ALLEGE THAT THIS IS WHAT CLUED THE MARKET INTO THE
14 FACT THAT NEVRO WAS NOT, IN FACT, A MARKET LEADER, THEY DID NOT
15 HAVE A PROPRIETARY NATURE, AND THEIR PRODUCT WAS NOT AS
16 PROTECTED AS PREVIOUSLY TOUTED AS PROPRIETARY AND NOVEL SUCH
17 THAT THEIR MARKET SHARE WAS NOW AT RISK.

18 THAT IS OUR CLAIM, WHICH WILL, OF COURSE, BE FURTHER
19 VETTED AND FURTHER FLUSHED OUT --

20 **THE COURT:** BUT YOU'RE SUPPOSED TO VET BEFORE YOU
21 FILE A LAWSUIT.

22 **MR. REHNS:** OF COURSE, AND WE HAVE, BUT --

23 **THE COURT:** BUT IT DOESN'T SEEM LIKE YOU REALLY
24 UNDERSTAND MY RULING OR THE IMPLICATIONS OF IT FOR NEVRO. AND
25 I'M -- AND SO I'M REALLY -- I'M CONCERNED THAT THIS IS -- I

1 HAVE TO TELL YOU THAT I'M INITIALLY CONCERNED THAT THIS IS ONE
2 OF THOSE REAL BOTTOM FEEDER SECURITIES FRAUD LAWSUITS, BECAUSE
3 I DON'T -- IT DOESN'T SEEM LIKE YOU HAVE ANY UNDERSTANDING OF
4 WHAT -- OF THE IMPLICATIONS OF MY PATENT RULING -- IT SEEMS
5 THAT YOU EVEN THINK THAT THE CASE THAT I ADJUDICATED WAS ABOUT
6 TRADE SECRETS OR SOMETHING LIKE THAT --

7 **MR. REHNS:** NO, YOUR HONOR, WE --

8 **THE COURT:** -- WHICH IT WASN'T.

9 **MR. REHNS:** -- DO NOT BELIEVE IT WAS ABOUT TRADE
10 SECRETS. WE BELIEVE THAT THE DELAWARE ACTION IN WHICH BOSTON
11 SCIENTIFIC SEPARATELY BROUGHT AN ACTION AGAINST NEVRO WAS ABOUT
12 THEFT OF TRADE SECRETS.

13 **THE COURT:** AND SO IT SOUNDS LIKE MAYBE YOUR
14 SECURITIES FRAUD ACTION IS BASED ON THE ALLEGATIONS THAT BOSTON
15 SCIENTIFIC MADE AGAINST NEVRO; YOU JUST SORT OF CUT AND PASTED
16 THOSE ALLEGATIONS AND INCLUDED IT IN YOUR SECURITIES FRAUD
17 LAWSUIT.

18 **MR. REHNS:** NO, WE DID NOT. WE VETTED THOSE. WE
19 WENT THROUGH DOCUMENTS THAT WERE SUBMITTED BOTH TO THIS COURT
20 IN BOSTON'S MOTION TO AMEND THEIR ANSWER AND COUNTERCLAIM, THE
21 DOCUMENTS THAT HAVE BEEN SUBMITTED IN THE DELAWARE ACTION, AS
22 WELL AS OTHER CASES THAT HAVE BEEN BROUGHT AGAINST NEVRO AND
23 ITS FORMER EMPLOYEES FOR SIMILAR ACTIONS IN THE PAST, AND WE
24 BELIEVE WE HAVE COLORABLE CLAIM. WE BELIEVE WE HAVE A VIABLE
25 CLAIM WITH SUPPORT ON INFORMATION AND BELIEF TO BRING THIS

1 ACTION, WHICH IS WHERE -- WHICH IS WHY WE FILED THE COMPLAINT,
2 WHICH IS WHY OKLAHOMA POLICE FILED THE COMPLAINT.

3 **THE COURT:** HOW DO YOU BELIEVE NEVRO'S MARKET SHARE
4 IN THE UNITED STATES WAS AFFECTED BY THE PATENT LITIGATION?

5 **MR. REHNS:** BY YOUR PATENT LITIGATION?

6 **THE COURT:** MM-HMM.

7 **MR. REHNS:** WE DON'T. WE BELIEVE, PERHAPS, THAT
8 THERE'S MULTIPLE ALLEGATIONS, MULTIPLE CLAIMS HERE. WE THINK
9 THAT THE MARKET SHARE WAS -- SORRY -- LET ME BE CLEAR. I THINK
10 I MISSPOKE THERE.

11 WE BELIEVE THAT THEIR MARKET SHARE WAS AFFECTED IN
12 THAT THE LESS PROPRIETARY THEIR PRODUCT WAS AND THE LESS
13 PROTECTED IT WAS BY PATENT, THAT OTHER COMPETITORS COULD COME
14 IN, WOULD COME IN -- AS ANALYSTS' REPORTS CONFIRMED, WOULD COME
15 IN AND TAKE MARKET SHARE.

16 I UNDERSTAND THAT FOLLOWING YOUR ORDER, THE PARTIES
17 IN THAT ACTION DID FILE A STIPULATION DISMISSING THE ACTION ON
18 THE BASIS THAT BOSTON SCIENTIFIC HAD NO INTENTION OF BRINGING
19 AN FH10 THERAPY TO MARKET IN THE UNITED STATES; HOWEVER, IT
20 STILL SHOWED THAT THE PATENTS THAT THEY WERE -- THAT WERE USED
21 TO COVER THEIR HF10, NEVRO'S HF10, AND SENZA SYSTEMS WERE NOT
22 AS PROTECTED AS THEY HAD PREVIOUSLY --

23 **THE COURT:** WHY?

24 **MR. REHNS:** -- TOLD THE CLASS.

25 **THE COURT:** I DON'T UNDERSTAND WHY. I MEAN, IT

1 STRUCK -- IT STRUCK ME THAT -- I MEAN -- IF I RECALL CORRECTLY,
2 THERE WAS NO -- THERE WAS NO -- NO ASPECT OF MY RULING, AND I
3 THINK THE MARKET PROBABLY MISUNDERSTOOD THIS AT FIRST, BUT
4 REALIZED IT SHORTLY AFTER THE RULING, AFTER PEOPLE HAD, LIKE, A
5 DAY TO DIGEST THE RULING, THAT THERE WAS NOTHING IN MY RULING,
6 IF I REMEMBER CORRECTLY -- I MEAN, IT MAY BE THAT I'M
7 MISREMEMBERING, BUT THERE WAS NOTHING IN MY RULING THAT
8 AFFECTED NEVRO'S HOLD ON THE UNITED STATES MARKET FOR THIS
9 PRODUCT. AM I REMEMBERING THAT CORRECTLY?

10 **MR. RAWLINSON:** THAT'S OUR VIEW, YOUR HONOR, AND
11 WE'RE READY TO ADDRESS IT IN THE MOTION TO DISMISS.

12 **THE COURT:** YEAH. WHAT ARE THE OTHER -- WHAT ARE
13 SOME OF THE OTHER THINGS YOU THINK THAT -- WHAT ARE SOME OF THE
14 OTHER MATERIAL MISREPRESENTATIONS THAT YOU THINK NEVRO MADE
15 THAT ARE NOT RELATED TO THIS LAWSUIT?

16 **MR. REHNS:** NOT RELATED TO THIS LAWSUIT HAS TO DO --

17 **THE COURT:** NOT RELATED TO THE PATENT LAWSUIT.

18 **MR. REHNS:** TO THE CALIFORNIA ACTION.

19 A LARGE PART OF IT IS WHAT WE PREVIOUSLY MENTIONED
20 BRIEFLY, THAT THE -- YOU KNOW, THE THEFT OF TRADE SECRET ACTION
21 THAT IS PROCEEDING IN DELAWARE.

22 **THE COURT:** WHAT'S THE STATUS OF THAT ACTION?

23 **MR. REHNS:** I BELIEVE THE MOTION TO DISMISS IS FULLY
24 BRIEFED AND AWAITING ADJUDICATION.

25 **THE COURT:** SO YOU'RE -- SO IT'S JUST BASED ON

1 ALLEGATIONS IN A COMPLAINT THAT YOU --

2 **MR. REHNS:** SUPPORTED BY DOCUMENTS THAT HAVE BEEN PUT
3 IN BY BOSTON SCIENTIFIC OF THE -- YOU KNOW, OF WHAT WAS TAKEN
4 AND WHO TOOK IT. IT IS NOT GENERAL. IT TALKS SPECIFICALLY
5 ABOUT MR. THACKER, THE FORMER EMPLOYEE.

6 THERE WAS A PREVIOUS LITIGATION THAT WAS -- THAT WAS
7 SETTLED IN WHICH A MR. FLECK, I BELIEVE WAS HIS NAME, WAS
8 ACCUSED OF DOING THE SAME THING, OF TAKING DOCUMENTS FROM
9 BOSTON SCIENTIFIC AND OPENING IT AND USING IT WHILE EMPLOYED BY
10 NEVRO IN REGARDS TO ITS HF10 THERAPY.

11 **THE COURT:** OKAY. WHAT ELSE OTHER THAN THE -- OTHER
12 THAN THE THEFT OF TRADE SECRETS AND THE PATENT LITIGATION, WHAT
13 ELSE? ANYTHING ELSE?

14 **MR. REHNS:** AT THIS POINT IT HAS TO -- IT'S IN LARGE
15 PART BASED ON THE COMPANY'S STATEMENTS IN ITS 2017 10K,
16 RELEASED ON FEBRUARY 28TH -- SORRY, FEBRUARY 22ND, 2018, THAT
17 ITS POSITIVE RESULTS WERE DRIVEN BY CONTINUED ADOPTION AND
18 DEMAND FOR ITS HF10 THERAPY GLOBALLY AND CONSISTENT WITH
19 EXECUTION BY (INDISCERNIBLE) SALES TEAM.

20 WHAT LATER CAME OUT WAS THAT THE SALES TEAM NEEDED A
21 FULL -- YOU KNOW, NEEDED TO BE RESTRUCTURED, THOSE NEEDED TO BE
22 REHIRED. ITS VP OF WORLDWIDE SALES WAS TERMINATED ABRUPTLY
23 WHICH CAUSED A -- I BELIEVE A 16-PERCENT MARKET DROP IN AND OF
24 ITSELF, AS WELL AS STATEMENTS THAT, YOU KNOW, ANALYSTS' REPORTS
25 DISCLOSED TO THE MARKET FOR THE FIRST TIME REGARDING THE FACT

1 THAT THE STATEMENTS -- THE COMPANY'S MESSAGES THAT ITS HF10
2 THERAPY WAS, IN FACT, SUPERIOR WAS NOT RESONATING AND THAT
3 THERE WAS A MUCH LOWER REAL WORLD EFFICACY, I BELIEVE WAS THE
4 TERMINOLOGY USED WITH REGARD TO ITS PRODUCTS.

5 **THE COURT:** OKAY. WELL, WE'LL HAVE -- I SUPPOSE
6 WE'LL HAVE MORE OF AN OPPORTUNITY TO DISCUSS THESE MATTERS
7 LATER. SO YOU, SO THE MOTION TO BE APPOINTED AS LEAD PLAINTIFF
8 IS UNOPPOSED, AND IT'S GRANTED.

9 **MR. REHNS:** THANK YOU, YOUR HONOR.

10 **THE COURT:** WHAT -- DO YOU ALL -- YOU ALL SUBMITTED A
11 STIPULATION REGARDING SCHEDULING, I BELIEVE. DID I SIGN THAT?

12 **MR. REHNS:** YOU DID NOT. I HAVE A COPY HERE.

13 **THE COURT:** WHAT'S THE -- WHAT'S THE -- I HAVE IT
14 HERE. WHAT'S THE PROPOSED SCHEDULE?

15 **MR. REHNS:** THE PROPOSED SCHEDULE IS AN AMENDED
16 COMPLAINT FILED ON FEBRUARY 5TH, 2019. MOTIONS TO DISMISS WILL
17 BE FILED ON APRIL 17TH. OPPOSITIONS BY JUNE 17TH, AND REPLIES
18 BY AUGUST 1ST.

19 **THE COURT:** I DON'T UNDERSTAND WHY IT HAS TO BE SUCH
20 AN ELONGATED SCHEDULE. YOU KNOW, YOU'RE BAKING IN -- SO YOU'RE
21 GIVING YOURSELF --

22 **MR. REHNS:** IT'S A 60, 60, 60, 45.

23 **THE COURT:** TWO MONTHS TO FILE AN AMENDED COMPLAINT,
24 TWO MORE MONTHS AFTER THAT TO FILE A MOTION TO DISMISS, TWO
25 MORE MONTHS AFTER THAT TO FILE AN OPPOSITION?

1 OKAY. SO THE AMENDED COMPLAINT WILL BE DUE IN THE
2 MIDDLE OF JANUARY.

3 DO YOU HAVE A DATE, KRISTIN? OKAY. AMENDED
4 COMPLAINT DUE JANUARY 18TH.

5 **MR. REHNS:** OKAY.

6 **THE COURT:** MOTION TO DISMISS DUE FOUR WEEKS AFTER
7 THAT?

8 **THE CLERK:** FEBRUARY 15.

9 **THE COURT:** OPPOSITION DUE FOUR WEEKS AFTER THAT.
10 IT'S ALREADY QUITE AN ELONGATED SCHEDULE.

11 **THE CLERK:** MARCH 15.

12 **THE COURT:** REPLY DUE THREE WEEKS AFTER THAT, AND
13 HEARING WILL BE IN LATE APRIL.

14 **MR. REHNS:** THANK YOU, YOUR HONOR.

15 **THE COURT:** SURE.

16 **UNIDENTIFIED SPEAKER:** MAY 2ND.

17 **MR. REHNS:** SORRY. SAY AGAIN?

18 **THE CLERK:** MAY 2ND.

19 **THE COURT:** HEARING MAY 2ND; IS THAT OKAY?

20 **MR. REHNS:** ABSOLUTELY.

21 **MR. RAWLINSON:** THAT'S FINE, YOUR HONOR.

22 **THE COURT:** ALL RIGHT. THANK YOU VERY MUCH.

23 **MR. REHNS:** THANK YOU, YOUR HONOR.

24 **MR. RAWLINSON:** THANK YOU, YOUR HONOR.

25 (PROCEEDINGS ADJOURNED AT 10:22 A.M.)

CERTIFICATE OF TRANSCRIBER

I CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT
TRANSCRIPT, TO THE BEST OF MY ABILITY, OF THE ABOVE PAGES OF
THE OFFICIAL ELECTRONIC SOUND RECORDING PROVIDED TO ME BY THE
U.S. DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA, OF THE
PROCEEDINGS TAKEN ON THE DATE AND TIME PREVIOUSLY STATED IN THE
ABOVE MATTER.

I FURTHER CERTIFY THAT I AM NEITHER COUNSEL FOR,
RELATED TO, NOR EMPLOYED BY ANY OF THE PARTIES TO THE ACTION IN
WHICH THIS HEARING WAS TAKEN; AND, FURTHER, THAT I AM NOT
FINANCIALLY NOR OTHERWISE INTERESTED IN THE OUTCOME OF THE
ACTION.


Handwritten signature of Joan Marie Columbini in cursive script.

JOAN MARIE COLUMBINI

DECEMBER 28, 2018